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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,824	07/27/2000	Seok-Hyo Park	678-517 (P8784)	9607
28249	7590	02/07/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,824

Applicant(s)

PARK, SEOK-HYO

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (U.S. Patent No. 5,201,068) in view of Barkat (U.S. Patent No. 5,805,672).

Regarding to claim 2, Kawashima teaches a method for adjusting a volume level of key tone in a cellular phone, comprising the steps of registering a first voice command for commanding the cellular phone to raise the key tone volume level; registering a second voice command for commanding the cellular phone to lower the key tone volume level; and raising or lowering the key tone volume level respectively in response to the first or the second voice command inputted to the cellular phone (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9). But Kawashima fails to show the registering by the user.

However, Barkat teaches the registering voice command by the user (see figs. 2 and 4, col. 4, lines 8-19 and lines 55-67).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima system and the providing of the teaching of Barkat with the voice registration and voice recognition technique there to in order to provide user with

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hand free and the convenience to use the voice registration and voice recognition to input the voice command (see col. 3, lines 26-52).

Regarding to claim 4, Kawashima teaches a method for adjusting the volume level of communication voice and key tones in a communication mode and a standby mode of a cellular phone (see fig. 5, col. 1, lines 9-15 and lines 50-68, col. 2, lines 1-26), comprising the steps of; registering a first voice command for commanding the cellular phone to raise the volume level; registering a second voice command for commanding the cellular phone to lower the volume level; determining whether the cellular phone is in an "on" state for receiving communication when the first or said second voice command is inputted to the cellular phone; raising or lowering the volume level respectively in response to the first or the second voice command if the cellular phone is in the "on" state; (see figs. 2, 6 A-D and 9, col. 1 lines 59-67, col. 6 lines 35-68 and col. 7 lines 1-9). Since Kawashima teaches a volume key for controlling volume, detecting a first or the second signal for control the volume for the increasing or decreasing on the "ON" state, and it is also working in the same way with the "Off" state of the communication, when the detection circuit is detecting the command signal for control the volume (see Abstract lines 2-10). This is obvious to the cellular phone is in a key tone adjustment mode if the cellular phone is not in the "on" communication state when the first or the second voice command is inputted to the cellular phone; and raising or lowering the volume level of the key tones.

Moreover, Barkat teaches the registering by the user for voice command (see figs. 2 and 4, col. 4, lines 8-19 and lines 55-67).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Kawashima systems and the provide of the teaching of Barket on the user registering with voice command, associated with volume control technique thereto in order to provide user to control the volume is easily when it is "OFF" or communication state.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Son (U.S. Patent No. 6,212,408) discloses voice command system and method.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh 
Art Unit 2684
Feb. 4, 2005


NICK CORSARO
PRIMARY EXAMINER